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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,638	08/23/2006	Dieter Ramsauer	135408-2038	2249

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745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

FULTON, KRISTINA ROSE

ART UNIT	PAPER NUMBER
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3674

MAIL DATE	DELIVERY MODE
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10/17/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,638

Applicant(s)

RAMSAUER, DIETER

Examiner

KRISTINA FULTON

Art Unit

3674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 27-52 is/are pending in the application.
- 5a) Of the above claim(s) 27,30 and 35-52 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 28,29 and 31-34 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

This office action is in response to the arguments filed 6/30/11.

Double Patenting

The terminal disclaimer is under review. The double patenting rejection stands until the terminal disclaimer has been accepted.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 28-29, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witzberger US 1426239 in view of Applicant's submitted 883121 (AAPA).

4. Regarding claim 28, Witzberger teaches a latch for mounting in a thin wall (plates a,b) having a head part (8) arranged outside a thin wall which overlaps an outer rim of the opening, a body part (1) which proceeds from the head part and projects through

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the opening in the mounted position, holding elements (2) which project from the body part and are displaceable in a direction of the elements' outer surfaces, a first surface (labeled below) further provided with a second inclined surface (2a) for slam action, the second inclined surface being approximately at a right angle to the first; wherein the holding elements are slides that diametrically oppose each other; the body part and the holding elements being separate parts and are arranged to be displaceable in the cylinder of the body part parallel to the plane of the thin wall.

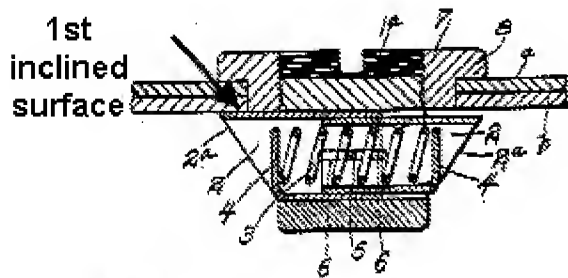
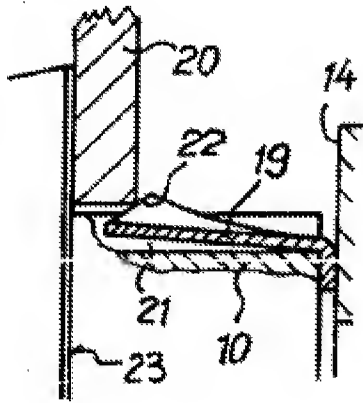


Fig. 3

Witzberger fails to show the first surface at an incline with respect to the inner side of the thin wall. AAPA shows this to be known in the art. AAPA shows surface 22 is inclined against surface 20. It would have been obvious to one skilled in the art to modify Witzberger with an inclined first surface as taught by AAPA in order to allow for some adjusting and use on different types of thin walls. See AAPA below.



As modified Witzberger shows the inclination of the free inclined surface such that developing play between the first inclined surface and the rim of the opening, is compensated by movement induced by a spring pressure (from 3) when the latch is mounted.

5. Regarding claim 29, the slides are held against a pressure spring force (3) by a hook arrangement (slots 6 hook onto pin 5).

6. Regarding claim 31, Witzberger teaches the claimed limitations as applied to claim 28 above and further teaches that the slides are rigid and held by a spring force (3) and a pin arrangement (5/6).

7. Regarding claims 32 and 33, Witzberger shows applicant's inventive concept of a latch with sliding holding elements but fails to show screws screwed into the head arrangement to regulate movement of the holding elements but Witzberger shows pin 5 performing this same function. Using screws to secure the sliding members as opposed to a pin would have been obvious to one of ordinary skill in the art since replacing one known securing means (pin) with another known securing means (screws) is considered to be within the level of ordinary skill in the art and would yield predictable results.

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8. Regarding claim 34, the cylinder has an opening edge where (the edge where the slides extend from) the slides are supported axially by a shoulder or hook (they are hooked at 5).

Response to Arguments

Applicant's arguments filed 3/15/11 are moot in view of the newly applied rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Beach can be reached on 571-272-6988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KRISTINA R FULTON/
Primary Examiner, Art Unit 3674